



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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FEDERAL COURT TERMINATES POLICE OFFICERS' ASSOCIATION LAWSUIT AGAINST CITY

San Diego, CA: A federal court yesterday rejected all remaining claims brought in a lawsuit filed by the San Diego Police Officers' Association (POA) when it granted the City's motion for summary judgment. Filed on August 9, 2005, the case was originally brought against the City of San Diego, City Attorney Michael Aguirre and certain current and former city officials.

"This was a meritless lawsuit since the day it was filed almost two years ago," remarked City Attorney Michael Aguirre. "Our decisive, clear-cut victory bears that out," he added.

The decision follows Judge Huff's 71-page ruling, dated May 18, 2007, in which Huff dismissed numerous claims contained in the POA lawsuit alleging the City and certain officials, including City Attorney Aguirre, violated the POA's federal constitutional rights by eliminating or reducing vested retirement benefits.

Federal Court Judge Marilyn Huff had granted the POA more to file additional briefs to support their claims that the Union had a federal right to an actuarially sound pension system, among other claims. After determining the Union had not satisfied their burden of proof, Huff granted the City's motion for summary judgment. In addition, the Court declined to review all remaining state law claims that the POA had sought to include in their federal lawsuit.

A summary judgment is a legal procedure in which a court determines before trial whether or not there is any triable issue of fact or law. In this case, Judge Huff determined that the POA failed to establish that a triable issue of fact or law existed, making a trial unnecessary.

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